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14 Attorneys for Defendant
15 NOVO NORDISK INC.

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 IN RE INCRETIN-BASED
19 THERAPIES PRODUCTS
20 LIABILITY LITIGATION

21 *This Document Relates to All Cases*

Case No. 3:13-MD-02452-AJB-MDD

**DECLARATION OF HEIDI LEVINE
IN SUPPORT OF DEFENDANT
NOVO NORDISK INC.'S REPLY TO
PLAINTIFFS' OPPOSITION TO
NOVO'S MOTION TO DISQUALIFY
DR. G. ALEXANDER FLEMING AS
AN EXPERT WITNESS FOR
PLAINTIFFS AND STRIKE HIS
REPORT ON PREEMPTION**

Judge: Hon. Anthony J. Battaglia
Ctm: 3B
Hrg: March 12, 2015
Time: 2:00 pm

1 I, Heidi Levine, declare as follows:

2 1. I am an attorney with DLA Piper LLP (US), counsel for Defendant
3 Novo Nordisk Inc. (“Novo”). I am licensed to practice in the State of New York. I
4 have personal knowledge of the facts set forth herein. I submit this declaration in
5 support of Novo’s Reply to Plaintiffs’ Opposition to Novo’s Motion to Disqualify
6 Dr. G. Alexander Fleming as an Expert Witness for Plaintiffs and Strike his Expert
7 Report on Preemption (“Disqualifying Motion”).

8 2. Attached as Exhibit 34 is a true and correct copy of bates stamped
9 documents NNI-Fleming-00000001, NNI-Fleming-00000005, and NNI-Fleming-
10 00000011. These documents are spreadsheets that were provided to me by Novo
11 and contain the amounts paid to Dr. Fleming and his consulting firm, Kinexum,
12 since 2001. These records were maintained by Novo in its regular course of
13 business.

14 3. Attached as Exhibit 35 is a true and correct copy of the unpublished
15 case *Novartis AG v. Apotex Inc.*, No. CIV.A. 09-5614 PGS, 2011 WL 691594
16 (D.N.J. Jan. 24, 2011).

17 4. Attached as Exhibit 36 is a true and correct copy of the unpublished
18 case *Bone Care Int’l, LLC v. Pentech Pharms., Inc.*, No. 08 C 1083, 2009 WL
19 249386 (N.D. Ill. Feb. 2, 2009).

20 5. Attached as Exhibit 37 is a true and correct copy of the unpublished
21 case *In re Androgel Antitrust Litig.*, No. 1:09-MD-2084-TWT, 2011 WL 1882516
22 (N.D. Ga. May 16, 2011).

23 6. Attached as Exhibit 38 is a true and correct copy of the unpublished
24 case *Demouchette v. Dart*, No. 09 C 6016, 2012 WL 472917, at *4 (N.D. Ill. Feb.
25 10, 2012).

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27 /////

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1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct.

3 Executed on February 18, 2015 in the State of New York.

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5 _____
6 Heidi Levine
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35	Unpublished case <i>Novartis AG v. Apotex Inc.</i> , No. CIV.A. 09-5614 PGS, 2011 WL 691594 (D.N.J. Jan. 24, 2011)	16-18
36	Unpublished case <i>Bone Care Int'l, LLC v. Pentech Pharms., Inc.</i> , No. 08 C 1083, 2009 WL 249386 (N.D. Ill. Feb. 2, 2009)	19-22
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